

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ALBANY

J.M.,

Plaintiff,

vs.

THE DIOCESE OF ALBANY, N.Y., INC, A/K/A
THE ROMAN CATHOLIC DIOCESE OF
ALBANY, NEW YORK, BISHOP HOWARD
JAMES HUBBARD, MATER CHRISTI
SEMINARY, OUR LADY OF VICTORY
CHURCH, A/K/A THE CATHOLIC
COMMUNITY OF OUR LADY OF VICTORY;
NEW YORK PROVINCE OF THE SOCIETY
OF JESUS A/K/A USA NORTHEAST
PROVINCE OF THE SOCIETY OF JESUS, and
EMMANUEL CHRISTIAN CHURCH,

Defendants.

SUMMONS

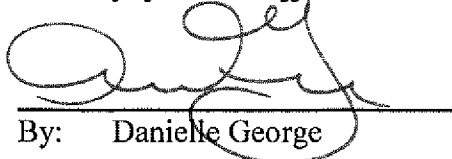
Index No.:

TO THE ABOVE NAMED DEFENDANTS :

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiffs' attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

DATED: New York, New York
November 4, 2019

Phillips & Paolicelli, LLP
Attorneys for Plaintiffs


By: Danielle George

{00047293}

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To:
THE DIOCESE OF ALBANY, N.Y., INC,
A/K/A THE ROMAN CATHOLIC DIOCESE
OF ALBANY, NEW YORK
40 North Main Avenue
Albany, NY 12203

BISHOP HOWARD JAMES HUBBARD
125 EAGLE ST
ALBANY, NY 12202-1718

MATER CHRISTI SEMINARY
c/o The Roman Catholic Diocese of Albany, New York
40 North Main Avenue
Albany, NY 12203

OUR LADY OF VICTORY CHURCH,
A/K/A THE CATHOLIC COMMUNITY
OF OUR LADY OF VICTORY
55 N. Lake Avenue
Troy, NY 12280

NEW YORK PROVINCE OF THE SOCIETY
OF JESUS A/K/A USA NORTHEAST
PROVINCE OF THE SOCIETY OF JESUS
39 East 83rd Street
New York, NY 10028

EMMANUEL CHRISTIAN CHURCH
31 Retreat House Road
Glenmont, NY 12007

STATE OF NEW YORK
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J.M.,

Plaintiff,

vs.

THE DIOCESE OF ALBANY, N.Y., INC, A/K/A
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JAMES HUBBARD, MATER CHRISTI
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NEW YORK PROVINCE OF THE SOCIETY
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PROVINCE OF THE SOCIETY OF JESUS, and
EMMANUEL CHRISTIAN CHURCH,

Defendants.

VERIFIED COMPLAINT

Index No.:

J.M., by his undersigned attorneys, for his Verified Complaint, alleges on personal knowledge as to himself and on information and belief as to other matters, as follows:

NATURE OF THE ACTION

1. This action is brought pursuant to the newly enacted Child Victims Act, codified at CPLR 214-g and concerns sexual abuse of a minor by a priest.

2. Plaintiff was sexually abused, assaulted and molested in or about the summer of 1956 by Fr. Edward N. Leroux ("Fr. Leroux") a priest trained, ordained, hired, retained, supervised, placed, directed and otherwise authorized to act by Defendants, THE DIOCESE OF ALBANY, N.Y., INC, A/K/A THE ROMAN CATHOLIC DIOCESE OF ALBANY, NEW

YORK, BISHOP HOWARD JAMES HUBBARD, MATER CHRISTI SEMINARY, OUR LADY OF VICTORY CHURCH, A/K/A THE CATHOLIC COMMUNITY OF OUR LADY OF VICTORY; NEW YORK PROVINCE OF THE SOCIETY OF JESUS A/K/A USA NORTHEAST PROVINCE OF THE SOCIETY OF JESUS, and EMMANUEL CHRISTIAN CHURCH.

3. Upon information and belief, in or about May of 1956 and shortly before his ordination, Fr. Leroux attended a retreat at Jesuit Retreat House located at 31 Retreat House Road, Glenmont New York.

4. At all times relevant herein, upon information and belief, the Jesuit Retreat house located at 31 Retreat House Road, Glenmont New York was owned, operated, managed, maintained, leased and/or rented by one or more of the Defendants THE DIOCESE OF ALBANY, N.Y., INC, A/K/A THE ROMAN CATHOLIC DIOCESE OF ALBANY, NEW YORK, MATER CHRISTI SEMINARY, OUR LADY OF VICTORY CHURCH, A/K/A THE CATHOLIC COMMUNITY OF OUR LADY OF VICTORY; NEW YORK PROVINCE OF THE SOCIETY OF JESUS A/K/A USA NORTHEAST PROVINCE OF THE SOCIETY OF JESUS, and EMMANUEL CHRISTIAN CHURCH.

5. In or about May of 1956, Plaintiff was a 16 year-old boy employed to work on weekends at the Jesuit Retreat House. As such, Plaintiff, along with other similarly employed teenage boys, was provided weekend housing in the uppermost floor (or attic) at the Jesuit Retreat House.

6. Upon information and belief, Fr. Leroux and other seminarians were undergoing a preordination retreat at the Jesuit Retreat House in or about May 1956 when Fr. Leroux visited the sleeping quarters of Plaintiff and the other teenage boys at the Jesuit Retreat House for the

purpose of establishing a relationship of spiritual trust and guidance. Such visits were designed to groom Plaintiff (among others) for later sexual abuse.

7. It was this relationship of spiritual trust and guidance that facilitated Fr. Leroux's later sexual assault of Plaintiff.

8. In or about the summer of 1956, Fr. Leroux sexually assaulted Plaintiff.

9. Plaintiff reported Fr. Leroux's sexual assault to Defendant Bishop Howard James Hubbard ("Bishop Hubbard"), who, upon information and belief, at that time was a seminarian or newly ordained priest known in the community as a "street priest" who would minister to Plaintiff's neighborhood.

10. Upon learning of the sexual assault, Bishop Hubbard told Plaintiff that Fr. Leroux "had a moment of weakness" and told Plaintiff to "forget about it".

11. Upon information and belief, Bishop Hubbard served a priest in the Albany area and became Bishop of Albany in 1977.

12. Upon information and belief, Bishop Hubbard never reported Fr. Leroux's sexual abuse of Plaintiff to anyone, and never requested that an investigation of the abuse be conducted.

13. Upon information and belief, another survivor credibly accused Fr. Leroux of child sexual abuse in 1992.

14. Upon information and belief, three additional survivors received settlements from the Diocese of Albany in 2005 after they came forward to accuse Fr. Leroux of sexually abusing them in the 1970's and 1980's.

15. Fr. Leroux was named on the Diocese of Albany's list of "Clergy Credibly Accused While Service in the Diocese of Albany."

16. Upon information and belief, Fr. Leroux remained an active priest until his removal in 2002.

17. Despite years of refusal to publically address rampant child abuse by priests, Defendant The Diocese of Albany recently published a list of scores of offending clergy. That list expressly includes Fr. Leroux, who victimized many children, including Plaintiff.

18. In fact, the Roman Catholic Church and Defendants have long known that substantial numbers of priests throughout history, and up to and including the present day, violate their vows or promises of celibacy and otherwise misbehave by soliciting sexual contact with parishioners, in particular children like Plaintiff who are entrusted to their spiritual care and guidance. Official Church documents dealing with this unspeakable misconduct span the centuries, many of which were and are well known to Defendants.

19. According to the Roman Catholic Archdiocese of New York, approximately three-quarters of clergy who have been credibly accused of sexual abuse were ordained between 1908 and 1969. Most, like Fr. Leroux, were ordained in the 1950's and 1960's.

20. Notwithstanding this knowledge, and the fiduciary duty and relationship of trust owed to the community, parishioners and their children, Defendants negligently, recklessly, and willfully failed to protect Plaintiff from Fr. Leroux's sexual abuse, permitted the abuse to occur, neglected to adequately supervise Fr. Leroux, failed to timely investigate Fr. Leroux's misconduct, acted to protect their own self-interest to the detriment of innocent children, and are otherwise responsible for Fr. Leroux's sexual assault of Plaintiff and his consequential injuries and damages.

21. Because of Defendants' negligent, reckless and willful misconduct, Plaintiff, then only approximately 16 years of age, suffered grave mental, emotional and psychological pain

and anguish, as well as physical harm. Fr. Leroux's abuse of Plaintiff not only devastated Plaintiff's development into adulthood, but severely damaged the course of his life. Plaintiff's pain and anguish is continuing and permanent.

PARTIES

22. Plaintiff is an individual who resides in Albany County, New York.

23. At the time of the events complained of, Plaintiff was a minor residing in the Albany County, New York.

24. Plaintiff's date of birth is September 28, 1939. In May 1956 Plaintiff was 16 years old.

25. Defendant THE DIOCESE OF ALBANY, N.Y., INC, A/K/A THE ROMAN CATHOLIC DIOCESE OF ALBANY, NEW YORK ("Diocese") is a New York not-for-profit corporation with principal offices at 40 North Main Street, Albany, New York 12203 and which operated at all relevant times in Albany County, New York.

26. At all relevant times the Diocese oversaw, managed, controlled, directed and operated seminaries, parishes, churches and schools for minor children within the Diocese.

27. Upon information and belief, Defendant MATER CHRISTI SEMINARY ("Mater Christi") was an educational institution providing courses in preparation for ordination into the priesthood.

28. Upon information and belief Defendant Mater Christi was owned, operated, managed and maintained by Defendant Diocese from 1952 through its closure in 1969.

29. Upon information and believe Defendant Bishop Hubbard was a seminarian at Mater Christi at the time Plaintiff reported Fr. Leroux's sexual assault to him.

30. Upon information and belief Fr. Leroux attended Mater Christi and was ordained in 1956.

31. Upon information and belief, Mater Christi authorized the ordination of Fr. Leroux.

32. Upon information and belief, Defendant Diocese authorized the ordination of Fr. Leroux.

33. Upon information and belief, Defendant Our Lady of Victory Church, A/K/A The Catholic Community of Our Lady of Victory ("Our Lady of Victory") was under the direct authority of the Defendant Diocese and was a New York not-for-profit corporation and/or is/was otherwise organized under the laws of the State of New York located in Troy New York.

34. Upon information and belief Fr. Leroux was assigned to Our Lady of Victory in Troy, New York in or about 1956-1957.

35. Upon information and belief Defendant NEW YORK PROVINCE OF THE SOCIETY OF JESUS A/K/A USA NORTHEAST PROVINCE OF THE SOCIETY OF JESUS ("Jesuits") is a New York not-for-profit corporation and/or is/was otherwise organized under the laws of the State of New York with its principal offices located at 39 East 83rd Street, New York, New York 10028.

36. Upon information and belief at all relevant times, and particularly in or about May 1956, Defendant Jesuits owned, operated, managed, and maintained the Jesuit Retreat House located on Retreat Road in Glenmont, New York.

37. Defendant EMMANUEL CHRISTIAN CHURCH ("Emmanuel Church") is/was under the direct authority of the Defendant Diocese and was a New York not-for-profit corporation and/or is/was otherwise organized under the laws of the State of New York.

38. Upon information and belief, Emmanuel Church was formed under the name "Emmanuel Community" in 1974 and changed its name to Emmanuel Christian Church in 1988.

39. Throughout its existence Emmanuel Church has maintained its principal offices at 31 Retreat House Road, Glenmont, New York 12007.

40. Throughout the relevant period, one or more of the Defendants were responsible for the ordination, hiring, retention, direction, and supervision of Fr. Leroux in his roles as, *inter alia*, seminarian, associate pastor, mentor, and counselor for young boys.

FACTUAL ALLEGATIONS

41. At all relevant times, the Diocese oversaw, managed, controlled, directed and operated Mater Christi.

42. At all relevant times, the Diocese oversaw, managed, controlled, directed and operated Our Lady of Victory.

43. At all relevant times, the Diocese oversaw, managed, controlled, directed and operated Emmanuel Church.

44. Upon information and belief, at all relevant times, the Jesuit Retreat House in Glenmont New York was located at 31 Retreat House Road in Glenmont New York.

45. At all relevant times, the Diocese owned, oversaw, operated, managed, directed, supervised, controlled, occupied, rented or leased the Jesuit Retreat House in Glenmont New York.

46. At all relevant times, Mater Christi owned, oversaw, operated, managed, directed, supervised, controlled, occupied, rented or leased the Jesuit Retreat House in Glenmont New York.

47. At all relevant times, Our Lady of Victory owned, oversaw, operated, managed, directed, supervised, controlled, occupied, rented or leased the Jesuit Retreat House in Glenmont New York.

48. At all relevant times, the Jesuits owned, oversaw, operated, managed, directed, supervised, controlled, occupied, rented or leased the Jesuit Retreat House in Glenmont New York.

49. At all relevant times after its formation in 1974, the Emmanuel Christian Church owned, oversaw, operated, managed, directed, supervised, controlled, occupied, rented or leased the Jesuit Retreat House in Glenmont New York and assumed some or all of the liabilities and/or assets of the Jesuit Retreat House in Glenmont New York.

50. Upon information and belief, the Defendants, other seminarians and supervising priests at Fr. Leroux's pre-ordination retreat in or about May 1956 were aware of Fr. Leroux's improper visits to the living quarters of the teenage boys, including Plaintiff.

51. Upon information and belief, none of the Defendants reprimanded Fr. Leroux for these improper visits.

52. Upon information and belief, none of the Defendants protected the teenage boys, including Plaintiff, from Fr. Leroux's improper visits to their living quarters.

53. Upon information and belief, despite knowledge of these inappropriate visits, Defendants sanctioned and ratified Fr. Leroux's ordination.

54. Plaintiff was raised as a Catholic, and at all relevant times had developed a reverence, respect and/or fear for the Catholic Church and its clergy.

55. Upon information and belief, after his ordination in May 1956, Fr. Leroux was employed as an associate pastor at Our Lady of Victory Church in Troy New York.

56. In 1956, Our Lady of Victory Church in Troy New York was operated by the Diocese.

57. In the performance of his duties, Defendants authorized Fr. Leroux to be alone with minors, including Plaintiff, and to have unfettered and unsupervised access to them on the property of Defendants and elsewhere in the community.

58. Defendants knew or should have known that Fr. Leroux was a danger to minor boys like Plaintiff, before the sexual abuse of Plaintiff began.

59. The Vatican and other church authorities addressed the problem of clergy sex abuse on countless occasions prior to the abuse of Plaintiff, and communicated as much with all levels of Church hierarchy including bishops and other Diocesan leaders. Over the centuries, various Popes passed Church decrees and legislation condemning such offenses, including a clerical crime known as "solicitation," engaging in sexual contact with an adult or a child during administration of the sacrament of confession.

60. As such, at all relevant times, Defendants were well aware that errant sexual behavior by some priests was not only widespread but predictable.

61. Upon information and belief, not only was Defendant Diocese aware of sexual abuse of children, but it participated in covering up such heinous acts by moving errant priests and clergy members from assignment to assignment, thereby putting children in harm's way.

62. Prior to the time of Plaintiff's abuse, Defendants knew or should have known of numerous acts of sexual assault committed by clergy members within the Diocese and elsewhere in the Roman Catholic Church, and knew that there was a specific danger of child sex abuse for children in their institutions and programs.

63. The sexual abuse of Plaintiff described above was foreseeable.

64. Prior to the time of Plaintiff's abuse by Fr. Leroux, Defendants knew or should have known of other acts of child sexual abuse by Fr. Leroux.

65. Defendants were at all times responsible for Fr. Leroux's actions as seminarian, associate pastor, mentor and counselor to young boys, and owed parishioners, community members, and their children, including Plaintiff, a fiduciary duty and obligation to provide sound supervision of the children, and to ensure them a safe and nurturing environment free from harm and abuse.

66. In or about 1956, Plaintiff and his parents believed and expected that Plaintiff would be safe at the Jesuit Retreat House, and with Fr. Leroux, and that he would be properly supervised in an environment free from potential harm and abuse.

67. Defendants violated that trust. Acting in furtherance of the business of Defendants, and in his official role as seminarian and then associate pastor, Fr. Leroux befriended Plaintiff and lulled Plaintiff into a false sense of trust. Indeed, by the summer of 1956, Fr. Leroux had carefully groomed Plaintiff, causing Plaintiff to look up to him as a priest, mentor and spiritual guide.

68. On two occasions in or about 1956, Fr. Leroux visited Plaintiff's family wearing clergy attire, under the pretext of visiting with Plaintiff's parents. However, Plaintiff's parents were not home and at those times, Fr. Leroux went to the upstairs bedroom of Plaintiff. Fr. Leroux asked Plaintiff to lie down with him on his bed. Due to the prior grooming of a relationship of trust and guidance, Plaintiff complied. Fr. Leroux then began to hug him and touched Plaintiff's genitals without Plaintiff's consent.

69. The aforesaid sexual abuse of Plaintiff was reported at the Division 2 Mission, located at South Pearl Street, Albany, New York, to defendant Bishop Hubbard, who was known in the community at the time was a young neighborhood “street priest”.

70. Bishop Hubbard told Plaintiff that Fr. Leroux had “a moment of weakness” and that he (Plaintiff) should “forget about it and not tell anyone”.

71. Upon information and belief Bishop Hubbard failed to report Fr. Leroux’s crime to anyone, including law enforcement authorities, child protective services organization, or any other authorities.

72. Upon information and belief, Bishop Hubbard did nothing to investigate the assault or report it to the authorities.

73. Upon information and belief, Defendants engaged in a pattern of cover up related to Fr. Leroux’s sexual abuse of Plaintiff and other victims of Leroux’s sexual abuse.

74. The visits to Plaintiff’s home, purportedly to minister to his ailing parent, thus, were within the scope of Fr. Leroux’s authority as associate pastor and in further of Defendants’ business activities, as it was reasonably necessary or incidental to his employment.

75. The visits occurred during the hours that Fr. Leroux was expected to perform and typically performed official functions as associate pastor.

76. Fr. Leroux’s conduct during his visits to Plaintiff’s home, thus, was in furtherance of his duties as an employee of Defendants, was reasonably foreseeable by Defendants, and was within the scope of what his employment or agency contemplated.

77. Prior to and at the time of Fr. Leroux’s abuse of Plaintiff, Defendants knew or should have known of numerous acts of sexual assault committed by clergy members within the Diocese, at the Jesuit Retreat House, and elsewhere in the Roman Catholic church.

78. Prior to and at the time of Fr. Leroux's abuse of Plaintiff, Defendants knew or should have known of Fr. Leroux's propensity to abuse young boys in his charge.

79. Prior to ordaining and/or hiring Fr. Leroux, Defendants failed to properly screen and investigate Fr. Leroux so as to discover his propensity for sexual misconduct and abuse of children, his lack of qualifications to serve in the capacities in which he was appointed by Defendants, and the danger he would pose to children in the parish, including Plaintiff

80. Prior to and at the time of Fr. Leroux's abuse of Plaintiff, Defendants failed to take steps to protect Plaintiff from abuse by Fr. Leroux, or to warn Plaintiff and his family of Fr. Leroux's propensity for sexual misconduct.

81. Upon information and belief Fr. Leroux has been named on the Diocese of Albany's list of "*Clergy Credibly Accused While Serving in the Diocese of Albany*".

82. Fr. Leroux died in 2005.

83. Having shuffled Fr. Leroux about various assignments in New York State, while fully knowing of the myriad sexual assault complaints against him, the Diocese permitted Fr. Leroux to serve in active ministry until 2002, and continued to provide financial aid to Fr. Leroux for a substantial period of time thereafter.

84. Nevertheless, the Diocese never notified law enforcement officials of Fr. Leroux's illegal activities, and permitted him to remain in active ministry for many years despite knowing of his predatory and criminal behavior.

85. The conduct alleged herein would constitute a sexual offense as defined in article one hundred thirty of the penal law.

86. Defendants owed Plaintiff a duty of reasonable care because they had superior knowledge about the risks their facilities posed to minor children, the risk of abuse by clergy in general, and the risks that Fr. Leroux posed to Plaintiff.

87. Defendants owed Plaintiff a reasonable duty of care because they affirmatively solicited teenage boys to work at the Jesuit Retreat House; they undertook custody of minor children, including Plaintiff; they recruited minor boys, including Plaintiff, to serve as workers at the Jesuit Retreat House; they promoted their facilities and programs as being safe for children, they held out their agents, including Fr. Leroux, as safe to work with and around minors; they encouraged parents and children to spend time with their agents; and/or authorized their agents, including Fr. Leroux to spend time with, interact with, and recruit children.

88. Defendants owed Plaintiff a heightened, fiduciary duty of care because they held themselves out as being able to provide a safe and secure environment for children, including Plaintiff; Plaintiff's parents entrusted Plaintiff to Defendants' care, and expected that Plaintiff would be safe and properly supervised in an environment free from harm and abuse; Plaintiff was a vulnerable minor, and unable to protect himself; and Defendants affirmatively assumed a position of empowerment over Plaintiff.

89. Defendants owed Plaintiff a duty to protect him from harm because Defendants' acts and omissions created a foreseeable risk of harm to Plaintiff.

90. As a result of the foregoing, Plaintiff has suffered and continues to suffer great physical and mental pain and anguish, severe and permanent emotional distress, psychological injuries, fear and anxiety; was prevented and will continue to be prevented from performing his normal daily activities; was and will continue to be deprived of the enjoyment of life's pleasures; has suffered and continues to suffer loss of spirituality; has suffered and may continue

to suffer loss of earnings and earning capacity; has incurred and may in the future incur expenses for medical and psychological treatment, and was otherwise damaged.

91. In addition, Plaintiff suffers from emotional distress and experiences physical manifestations of that condition. Plaintiff experiences guilt, shame, sadness, embarrassment and powerlessness.

92. The aforesaid sexual abuse and betrayal of trust and guidance caused Plaintiff to lose his faith in God and turn away from the Church.

93. To the extent that any Defendant pleads, or otherwise seeks to rely upon Article 16 of the New York Civil Practice Law and Rules (CPLR) to have fault apportioned to another allegedly culpable party, Plaintiff expressly states that Defendants' conduct falls within one or more of the subdivisions of CPLR 1602.

COUNT I

NEGLIGENT HIRING, RETENTION, SUPERVISION AND DIRECTION

94. Plaintiff repeats and realleges all preceding paragraphs of this Complaint.

95. At all relevant times Defendants had a duty to exercise due care in ordaining, hiring, appointing, assigning, retaining, supervising and directing its seminarians and clergy, including Fr. Leroux so as to protect minor children, including Plaintiff, who were likely to come into contact with, and/or under the influence or supervision of him, and to ensure that Fr. Leroux did not use his assigned position to injure minors by sexual assault, contact or abuse.

96. Defendants were negligent and failed to use reasonable care in ordaining, hiring, appointing, assigning, retaining, supervising and directing Fr. Leroux, failed to properly investigate his background and employment history, and/or hired, appointed and/or assigned Fr. Leroux first to a retreat at Jesuit Retreat House in the presence of vulnerable teenage boys and

then to Defendant Our Lady of Victory Church when Defendants knew or should have known of facts that would make him a danger to children; and Defendants were otherwise negligent.

97. Defendants were negligent and did not use reasonable care in their supervision and direction of Fr. Leroux, failed to monitor his activities, failed to oversee the manner in which he carried out the duties to which Defendants assigned him, even though they knew or should have known that Fr. Leroux posed a threat of sexual abuse to minors; allowed the misconduct described above to occur; failed to investigate Fr. Leroux's dangerous activities and remove him from their premises; and Defendants were otherwise negligent.

98. Fr. Leroux would not have been in a position to sexually abuse Plaintiff had Defendants not been negligent in the hiring, retention, supervision, and direction of Fr. Leroux.

99. At all relevant times, Fr. Leroux acted in the course and scope of his employment with Defendants.

100. Defendants were negligent in ordaining Fr. Leroux into the priesthood because they knew, or should have known of his vicious propensities and disposition (e.g., his propensity to develop inappropriate relationships with boys in his charge and to engage in sexual behavior and lewd and lascivious conduct with such boys) and/or had knowledge of facts which would have caused a reasonably prudent person to reject Fr. Leroux as a candidate for the priesthood or for any position working with young boys, given his dangerous propensities and disposition.

101. Plaintiff suffered grave injury as a result of the foregoing sexual abuse and misconduct, including physical, psychological and emotional injury as described above.

102. By the reason of the foregoing, Defendants are liable to Plaintiff in an amount to be determined at trial, and which exceeds the jurisdictional limits of all courts of limited jurisdiction.

COUNT II**NEGLIGENT, RECKLESS, AND WILLFUL MISCONDUCT**

103. Plaintiff repeats and realleges all preceding paragraphs of this Complaint.

104. At all relevant times, Defendants affirmatively and/or impliedly represented to minor children, their families and the general public that seminarians at the Jesuit Retreat House and clergy working in the Diocese, including Fr. Leroux, did not pose a risk and/or that he did not have a history of sexually abusing children, and that children, including Plaintiff, would be safe in his care.

105. Defendants knew or should have known this representation was false and that permitting him to attend the pre-ordination retreat, ordaining and employing Fr. Leroux would give him unfettered access to children, including Plaintiff, and that Fr. Leroux posed an unacceptable risk of harm to children.

106. Defendant Diocese maintained a policy and practice of covering up criminal activity committed by clergy members within the Diocese.

107. Over the decades, this “cover-up” policy and practice of the Diocese resulted in the sexual assault of untold numbers of children, and put numerous other children at risk of sexual assault.

108. Defendants failed to report multiple allegations of sexual abuse by their employees, agents and representatives, to the proper authorities, thereby putting children at risk of sexual assault.

109. Defendants failed to report allegations of Fr. Leroux’s sexual abuse of Plaintiff when Plaintiff reported it to them.

110. Upon information and belief, Defendants covered up acts of abuse by Fr. Leroux, and concealed facts concerning his sexual misconduct from Plaintiff and his family.

111. By failing to disclose the identities, histories and information about sexually abusive clergy in their employ, Defendants unreasonably deprived the families of children entrusted to their care, including Plaintiff, of the ability to protect their children.

112. Defendants failed to warn Plaintiff and his parents that Fr. Leroux posed a risk of child sexual assault.

113. The conduct of Defendants as described herein was done with utter disregard as to the potential profound injuries which would ensue, and with depraved indifference to the health and well-being of children, and to the fact that Defendants were knowingly subjecting children in their charge, including Plaintiff, to sexual crimes.

114. Defendants' aforesaid actions were negligent, reckless, willful and wonton in their disregard for the rights and safety of children, including Plaintiff.

115. As a direct and proximate result of Defendants' misconduct, Plaintiff suffered grave injury, including the physical, psychological and emotional injury and damages as described above.

116. By the reason of the foregoing, Defendants are jointly and severally liable to Plaintiff for compensatory and punitive damages, in an amount to be determined at trial, together with interest and costs.

COUNT III

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

117. Plaintiff repeats and realleges all preceding paragraphs of this Complaint.

118. The sexual abuse of Plaintiff when Plaintiff was a minor was extreme and outrageous conduct, beyond all possible bounds of decency, atrocious and intolerable in a civilized world.

119. Defendants' aforesaid negligent, grossly negligent and reckless misconduct, endangered Plaintiff's safety and caused him to fear for his own safety.

120. Defendants knew or disregarded the substantial probability that Fr. Leroux would cause severe emotional distress to Plaintiff.

121. As a direct and proximate result of Defendants' foregoing misconduct, Plaintiff suffered severe emotional distress including psychological and emotional injury as described above.

122. By the reason of the foregoing, Defendants are liable to Plaintiff in an amount to be determined at trial, and which exceeds the jurisdictional limits of all courts of limited jurisdiction.

COUNT IV

PREMISES LIABILITY

123. Plaintiff repeats and realleges all preceding paragraphs of this Complaint.

124. At all relevant times, Defendants owned, operated, and /or controlled the premises located at or about Jesuit Retreat House, 31 Retreat House Road, Glenmont, New York 12077, and known as Roman Catholic Church of the Sacred Heart.

125. At all relevant times, Plaintiff was rightfully present at the aforementioned premises.

126. Defendants had a duty to see that the premises at which Plaintiff was rightfully present were in a reasonably safe condition for the intended use by reasonably anticipated visitors, including Plaintiff, whose presence was reasonably anticipated.

127. Defendants willfully, recklessly, and negligently failed to provide a reasonably safe premise that was free from the presence of sexual predators and/or the assault by the occupants of the premises. Defendants thereby breached their duty of care of Plaintiff.

128. As a direct and proximate result of Defendants' misconduct, Plaintiff suffered grave injury, including the physical, psychological and emotional injury and damages as described above.

129. By reason of the foregoing, Defendants are liable to Plaintiff in an amount to be determined at trial, and which exceeds the jurisdictional limits of all courts of limited jurisdiction

COUNT V

BREACH OF FIDUCIARY DUTY

130. Plaintiff repeats and re-alleges each and every allegation set forth above as if fully set forth herein.

131. At all relevant times, there existed a fiduciary relationship of trust, confidence and reliance between Plaintiff and Defendants. The entrustment of Plaintiff to the care and supervision of the Defendants while Plaintiff was a vulnerable child, imposed upon Defendants a fiduciary duty to act in the best interests of Plaintiff.

132. Defendants were entrusted with the well-being, care, and safety of Plaintiff, which Defendants had a fiduciary duty to protect.

133. By reason of the foregoing, Defendants breached their fiduciary duties to Plaintiff.

134. As a direct and proximate result of Defendants' foregoing breach, Plaintiff suffered grave injury, including the physical, psychological and emotional injury and damages as described above.

135. By reason of the foregoing, Defendants are jointly and severally liable to Plaintiff for compensatory and punitive damages in an amount to be determined at trial, together with interest and costs.

COUNT VI

BREACH OF DUTY IN LOCO PARENTIS

136. Plaintiff repeats and re-alleges each and every allegation set forth above as if fully set forth herein.

137. At all relevant times, Plaintiff was a vulnerable child entrusted to Defendants' care, and was under the supervision and control of Defendants, such that Defendants owed him a duty to act in loco parentis and to prevent foreseeable injuries.

138. By reason of the foregoing, Defendants breached their duties to act in loco parentis.

139. As a direct and proximate result of Defendants' foregoing breach, Plaintiff suffered grave injury, including the physical, psychological and emotional injury and damages as described above.

140. By reason of the foregoing, Defendants are jointly and severally liable to Plaintiff for compensatory and punitive damages in an amount to be determined at trial, together with interest and costs.

COUNT VII**BREACH OF STATUTORY DUTIES TO REPORT**

141. Plaintiff repeats and re-alleges each and every allegation set forth above as if fully set forth herein.

142. Pursuant to N.Y. Soc. Serv. Law §§ 413 and 420, Defendants had a statutory duty to report reasonable suspicion of abuse of children in their care.

143. Defendants breached their statutory duty by failing to report reasonable suspicion of abuse by Fr. Leroux of children in their care.

144. As a direct and proximate result of Defendants' foregoing breaches, Plaintiff suffered grave injury, including the physical, psychological and emotional injury and damages as described above.

145. By reason of the foregoing, Defendants are jointly and severally liable to Plaintiff for compensatory and punitive damages in an amount to be determined at trial, together with interest and costs.

WHEREFORE, Plaintiff prays for judgment as follows:

- a. Awarding Plaintiff compensatory damages for his injuries, in an amount to be determined at trial;
- b. Awarding Plaintiff punitive damages for his injuries, in an amount to be determined at trial;
- c. Awarding Plaintiffs costs and disbursements and attorneys' fees to the extent available by law; and
- d. Awarding such other and further relief as this Court may deem just and proper.

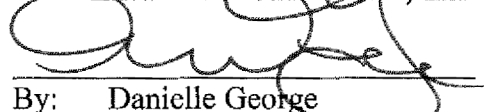
JURY TRIAL DEMANDED

146. Plaintiff demands a trial by jury of all issues triable by jury in this action.

Dated: New York, New York
November 4, 2019

Yours, etc.

PHILLIPS & PAOLICELLI, LLP



By: Danielle George
Attorneys for Plaintiff
747 Third Avenue, Sixth Floor
New York, New York 10017
212-388-5100
dgeorge@p2law.com

VERIFICATION

STATE OF NEW YORK)

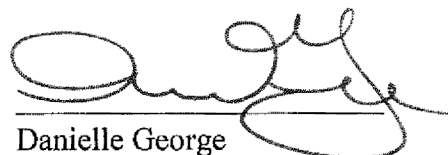
ss:

COUNTY OF NEW YORK)

DANIELLE GEORGE, ESQ. being duly sworn, deposes and says:

1. I am an attorney who is a member of the law firm of Phillips & Paolicelli, LLP.
2. I have read the foregoing Summons and Verified Complaint and know the contents thereof, and the same are true to my knowledge based upon the file maintained by my office, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief as to those matters therein not stated upon knowledge, is based on the facts, records and other pertinent information contained in my file.
3. The reason this verification is made by me and not by the plaintiff is because the plaintiff does not reside within the County where her attorneys maintain our offices, to wit: 747 Third Avenue, 6th Floor, County of New York, and State of New York.

Dated: November 4, 2019


Danielle George